

## ICE subpoenas immigration lawyer in leak hunt

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WASHINGTON — The Trump administration has subpoenaed an immigration attorney in an attempt to determine who leaked an internal memo that laid out how Immigration and Customs Enforcement should implement Attorney General Jeff Sessions' decision to [restrict political asylum for victims of domestic violence and gang crimes](#).

The attorney said he doesn't intend to reveal his sources or any other information about how he obtained the memo.

The subpoena was sent to Colorado-based immigration attorney Daniel Kowalski, who is also the editor of Bender's Immigration Bulletin, an immigration law journal published by LexisNexis. It demands that Kowalski hand over "all information" related to the memo he posted in July, including when, how and where he got it. The summons asks for "contact information for the source of the document."

The subpoena was sent by Special Agent Daniel Del Castillo, an officer in ICE's Office of Professional Responsibility. ICE declined to comment on the subpoena.

At issue is a July 11 memo written by ICE principal legal adviser Tracy Short about Sessions' decision in June to reinterpret asylum law in such a way that most victims of domestic and gang violence wouldn't qualify. The change could affect tens of thousands of asylum seekers in the U.S.

Immigration courts have ruled that some victims of domestic and gang violence in certain countries could establish that they were part of social groups that their governments could or would not protect, thus qualifying them for asylum. Sessions used his unique authority as attorney general to overrule those rulings and reverse the interpretation of the law.

ICE provides the attorneys who function as prosecutors in the immigration court system, and the memo lays out how those attorneys should litigate asylum cases in light of Sessions' decision. Kowalski's link to the memo is no longer available on LexisNexis, but the American Immigration Lawyers Association is [still hosting a copy](#) online.

Kowalski told The Chronicle he intends to ignore the demand.

"If they bring an action to enforce this so-called summons in federal District Court, I will resist it," he said. "I don't know why they think ... I would give up my source."

The American Civil Liberties Union has offered to help Kowalski.

"The subpoena is obviously inappropriate, and I can only assume it was issued without legal review," said Omar Jadwat, director of the ACLU's Immigrants' Rights Project. "It should be withdrawn."

The Trump administration has not been shy about going after leakers. President Trump has particularly attacked leaks of information regarding the investigation into Russian interference in the 2016 presidential election, [calling](#) them "the real story that Congress, the FBI and all others should be looking into."

California Democrats have been sharp critics of Sessions' moves to limit asylum. When he announced his reinterpretation of the law, Sen. Dianne Feinstein called the decision "despicable" and said it "should be immediately reversed." Sen. Kamala Harris [signed onto a letter](#) in May urging Sessions not to upend asylum protections.

Several California House members [co-sponsored a congressional resolution](#) condemning the move. And Democratic [state Attorney General Xavier Becerra](#) joined 17 other states and the District of Columbia in September in suing to overturn Sessions' change.

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